

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ROBERT MCKEEVER**  
Claimant

**APPEAL NO: 09A-UI-18832-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES - MARSHALLTOWN**  
Employer

**OC: 11-08-09**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Leaving  
Section 96.5-1-j – Reassignment from Employer

**STATEMENT OF CASE:**

The claimant filed a timely appeal from the December 7, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 26, 2010. The claimant participated in the hearing. Nancy Mullaney, Manager and Art Heinzer, Account Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment and whether he sought reassignment from the employer.

**FINDINGS OF FACT:**

The claimant worked for Temp Associates from August 29, 2001 to September 8, 2009. He was assigned to H & W Brand to do janitorial work from January 12, 2004 through May 27, 2009, and completed that assignment. He worked a one-day assignment as a hand collator at Southerland Printing July 28, 2009, and a three-hour assignment for Wildwood as a light production worker September 8, 2009. He had always maintained contact with the employer prior to the Wildwood assignment. He did not contact the employer again after the Wildwood assignment because he chose to seek employment with a temporary agency closer to his home. His phone was disconnected when the employer tried to contact him September 15, 2009, and he did not provide a contact number to the employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation was disqualifying.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Code section 96.5-1-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department, but the individual shall not be disqualified if the department finds that:

j. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

For the purposes of this paragraph:

(1) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their work force during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(2) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

The claimant completed his last assignment and then chose to voluntarily quit his employment with Temp Associates because of the approximately 44-mile round trip he had to drive for assignments and he was disappointed in the last assignment at Wildwood because it was supposed to last several hours September 8, 2009, but due to a misunderstanding only lasted three hours. The employer attempted to call him with an assignment September 15, 2009, but the claimant's phone was disconnected and consequently it was unable to reach him. He takes messages on his daughter's phone but did not provide that phone number to the employer. He decided to sign up with another temporary employment firm closer to his home and has not

contacted Temp Associates since September 8, 2009. For those reasons, the administrative law judge concludes the claimant voluntarily left his employment and has not contacted the employer for another assignment. Therefore, benefits must be denied.

**DECISION:**

The December 7, 2009, reference 01, decision is affirmed. The claimant voluntarily left his employment with Temp Associates and did not contact it for another assignment after September 8, 2009. Benefits are denied until such time as the claimant has worked in and been paid insured wages in the amount of ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs